



**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

JOHN DOE,	§	
Plaintiff,	§	
	§	
vs.	§	Civil Action No. 3:21-04108-MGL
	§	
ALAN WILSON, <i>in his official capacity as</i>	§	
<i>Attorney General of South Carolina, and</i>	§	
MARK KEEL, <i>in his official capacity as Chief</i>	§	
<i>of the South Carolina State Law Enforcement</i>	§	
<i>Division,</i>	§	
Defendants.	§	

ORDER GRANTING PLAINTIFF’S MOTION TO PROCEED UNDER PSEUDONYM

Pending before the Court is Plaintiff John Doe’s Motion for Protective Order and to Proceed Under Pseudonym “John Doe.” Defendants declined to respond, but it appears that the parties have since resolved this case and request a permanent injunction. But before the Court may enter such an injunction and close the case, it must rule on the motion to proceed under pseudonym.

In determining whether a plaintiff may proceed under pseudonym, courts consider

[1] Whether the justification asserted by the requesting party is merely to avoid the annoyance and criticism that may attend any litigation or is to preserve privacy in a matter of sensitive and highly personal nature; [2] whether identification poses a risk of retaliatory physical or mental harm to the requesting party or even more critically, to innocent nonparties; [3] the ages of the person whose privacy interests are sought to be protected; [4] whether the action is against a governmental or private party; and, relatedly, [5] the risk of unfairness to the opposing party from allowing an action against it to proceed anonymously.

James v. Jacobson, 6 F.3d 233, 238 (4th Cir. 1993).

In this case, the *James* factors favor anonymity. Doe was required to register as a sex offender for conviction under South Carolina Buggery laws for consensual gay sex. As explained by Doe in his motion, his status on the sex offender registry and homosexuality is of a highly sensitive and private nature; identification presents danger of physical or mental harm to Doe and his family; and there is little risk of unfairness to Defendants, as they are aware of Doe's identity and, in any case, have agreed to a resolution in this matter.

Accordingly, Doe's Motion for Protective Order and to Proceed Under Pseudonym "John Doe" is **GRANTED**.

IT IS SO ORDERED.

Signed this 18th day of April 2022 in Columbia, South Carolina.

s/ Mary Geiger Lewis
MARY GEIGER LEWIS
UNITED STATES DISTRICT JUDGE